

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011277



PCT

540 949

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

24 JUN 2005

|   |   |   |
|---|---|---|
| Applicant's or agent's file reference<br>02229/WO   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br>PCT/EP2003/011277  | International filing date (day/month/year)<br>11 October 2003 (11.10.2003)  | Priority date (day/month/year)<br>24 December 2002 (24.12.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>B23K 26/38, 26/40, B60R 21/20, B29C 59/16 |   |   |
| Applicant<br>JOHNSON CONTROLS INTERIORS GMBH & CO. KG   |   |   |

|   |
|---|
| 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.   |
| 2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.<br><br><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).<br><br>These annexes consist of a total of _____ sheets.   |
| 3. This report contains indications relating to the following items:<br><br>I <input checked="" type="checkbox"/> Basis of the report<br>II <input type="checkbox"/> Priority<br>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability<br>IV <input checked="" type="checkbox"/> Lack of unity of invention<br>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement<br>VI <input type="checkbox"/> Certain documents cited<br>VII <input type="checkbox"/> Certain defects in the international application<br>VIII <input type="checkbox"/> Certain observations on the international application |

|  |   |
|--|---|
| Date of submission of the demand<br>08 April 2004 (08.04.2004) | Date of completion of this report<br>12 April 2005 (12.04.2005) |
| Name and mailing address of the IPEA/EP                        | Authorized officer  |
| Facsimile No.  | Telephone No.   |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011277

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-10 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-16 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1-2 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011277

## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-6, 13-15

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 1

1. The Examining Authority has found that the international application contains several inventions not linked by a single general inventive concept (PCT Rule 13.1). Each of the recognized inventions has the following technical effect:

(I) Claims 1-6, 13-15: Method for producing a weakened area in a flat textile structure and a flat textile structure, so as to incorporate a regular weakened area

(II) Claims 1, 4-6, 13-15: Method for producing a weakened area in a flat textile structure, wherein the holes are partly in the form of perforations such that, when the surface is rough, the weakened area is invisible.

(III) Claims 1, 5-6, 13-15: Method for producing a weakened area in a flat textile structure by means of inclined holes, so as to incorporate a reliable weakened area.

(IV) Claims 1, 7-12, 16: Method for producing a lining part provided with a fabric-backed airbag outlet flap, holes being introduced into the thread of the lining part so as to incorporate a weakened area, wherein the lining part is then applied to a support part, so as to produce a fabric-backed lining part having a weakened area, for

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.1

a vehicle.

The reasons are given below.

2. The subject matter of independent claim 1 is already known. Document EP-A-1 213193 (D1) discloses a method for producing a weakened area (column 1, lines 15-19) in a flat textile structure (column 1, line 54) by partly removing the textile material by a laser treatment (column 2, lines 21-23), wherein holes (paragraph [0013]) disposed in a line (column 2, lines 8-10) at a distance from each other are introduced into the thread of the flat textile structure. Document D1 also discloses the subject matter of claim 2.

The unity of invention requirement (PCT Rule 13.1) is therefore not met insofar as there is no technical relationship involving one or more of the same or corresponding special technical features (PCT Rule 13.2) among the subjects of the groups of dependent claims 2-16.

3. Since the applicant did not pay additional fees for the second invention, that is invention (ii), during the search phase, and also did not pay additional fees for the preliminary opinion regarding inventions (II)-(IV), the preliminary opinion is established only for the first invention (see points 3. and 4. in Box V).

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP 03/11277

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

|                               |        |            |     |
|-------------------------------|--------|------------|-----|
| Novelty (N)                   | Claims | 3-6, 15    | YES |
|                               | Claims | 1-2, 13-14 | NO  |
| Inventive step (IS)           | Claims |            | YES |
|                               | Claims | 1-6, 13-15 | NO  |
| Industrial applicability (IA) | Claims | 1-6, 13-15 | YES |
|                               | Claims |            | NO  |

### 2. Citations and explanations

#### 1. Observation

Claim 13 is not clear (PCT Article 6). Claim 13 defines a flat textile structure treated using the method according to claim 1 (for example). However, it is not clear from this definition which of the features of the flat structure are defined in claim 13.

It is clear from the description and claim 1 that the flat textile structure has the following features: threads into which holes arranged in a line at a distance from each other are introduced.

For the purpose of the present preliminary report claim 13 was examined as if it contained these additional features (see point 4. below).

#### 2. Documents cited:

Reference is made to the following documents:

D1: EP-A-1 213 193 (EISSMANN GMBH FA) 12 June 2002  
(2002-06-12)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/11277

D2: EP-A-0 711 627 (TIP ENG GROUP INC) 15 May 1996  
(1996-05-15).

3. Claims 1-6

Document EP-A-1 213193 (D1) discloses a method for producing a weakened area (column 1, lines 15-19) in a flat textile structure (column 1, line 54) by partly removing the textile fabric by means of a laser treatment (column 2, lines 21-23), wherein holes (paragraph [0013]) arranged in a line (column 2, lines 8-10) at a distance from each other are introduced.

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

Dependent claims 2-6 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (PCT Article 33(2) to (3)). See D1 for claims 2 and 4; claims 3 (to be sure that several holes/perforations are produced in the thread) and 5-6 (another possible way of orienting the perforations not having a special technical effect) contain measures which are routine for a person skilled in the art.

4. Claims 13-15

Document EP-A-1 213193 (D1) discloses a flat textile structure (column 1, line 54) having threads into which holes arranged in a line (column 2, lines 8-10 and paragraph [0013]) at a distance from each other are introduced, which is treated using the method

according to claim 1 (see point 3. above).

Consequently, the subject matter of claim 13 is not novel (PCT Article 33(2)).

Dependent claims 14-15 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (PCT Article 33(2) to (3)). See document D1 or D2 with regard to claim 14; claim 15 contains a measure which is routine for a person skilled in the art.